



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Toshiba
Application No.: 09/368,572
Filed: August 5, 1999
For: PLANT PROMOTER AND METHOD...

Art Unit: 1656
Examiner: S. CHUNDURU
Washington, D.C.
Atty.'s Docket: OHBA=1A
Date: November 21, 2001

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THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is a [XX] Amendment []
in the above-identified application.
[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted
[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
[] No additional fee is required.
[XX] The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	* 12	MINUS	** 20	0	x 9	\$		x 18	\$
INDEP.	* 7	MINUS	*** 7	0	x 42	\$		x 84	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 140	\$		+ 280	\$
					ADDITIONAL FEE TOTAL			TOTAL	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity		Other Than Small Entity	
Response Filed Within		Response Filed Within	
[] First	- \$ 55.00	[XX] First	- \$ 110.00
[] Second	- \$ 200.00	[] Second	- \$ 400.00
[] Third	- \$ 460.00	[] Third	- \$ 920.00
[] Fourth	- \$ 720.00	[] Fourth	- \$ 1440.00
Month After Time Period Set		Month After Time Period Set	

[] Less fees (\$) already paid for ___ month(s) extension of time on _____.

[] Please charge my Deposit Account No. 02-4035 in the amount of \$.
[XX] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 110.00.
[] A check in the amount of \$ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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Toshiharu OHBA et al.)	Examiner: S. Chunduru
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Serial No.: 09/368,572)	Washington, D.C.
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)	
For: PLANT PROMOTER AND METHOD...))	Docket No.: OHBA=1A

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M.G.J
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AMENDMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action of July 26, 2001,
petition an payment for a one month extension of time being
attached hereto, please amend as follows:

IN THE CLAIMS

└ Please cancel non-elected claims 1-2 and 7-12 without
prejudice to the filing of a divisional application thereon.

Please replace claims 3 and 5 with new rewritten
claims 3 and 5 in amended form as follows below. A marked up
version of the amended claims to show the changes made is
attached hereto.